

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., December 18, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Darren Gerard, Principle Planner, Planning and Development, delivered the invocation.

PLEDGE OF ALLEGIANCE

Joy Rich, Director of Planning and Development, led the assemblage in the Pledge of Allegiance.

POINT OF PERSONAL PRIVILEGE

Chairman Stapley said that since this is the last formal Board of Supervisors' meeting for 2002 he would take a few minutes to reflect on the Board's accomplishments during the past 12 months. He felt it had been a tremendously successful year and thanked his fellow Board Members for their faith and confidence in his leadership. He reminded everyone that 2002 began with the Board's clear intent of maintaining the high degree of County services that residents have come to expect, as the County, State and the Nation continued efforts to recover from the horrific emotional and economic effects of the September 11, 2001, terrorist attack. The County's budgetary deficits began in the wake of that attack and were worsened by repeated cuts in State funding as the legislature strove for financial stability.

Despite this the County has accomplished many goals and he spoke of these. He said that opening San Tan Regional Park to preserve the pristine beauty and open spaces for the area had been one of his primary goals. The land, which has been owned by the County for over a decade, has had no major upgrades or services and was essentially closed to the public, although during the years litter had accumulated throughout. On November 23, 2002, San Tan Regional Park was officially opened and by the end of December 2002, the Park office with staff and first-phase infrastructural accoutrements should be opened. He said the project had not been without challenges and naysayers but many people, including a large number of volunteers, had come together to complete the necessary activities to make the Park's opening a reality.

He also cited the Governing Magazine article that named Maricopa County as one of only two counties in America to receive an A Rating. He explained that to go from the near bankruptcy that threatened the County in 1994 to being recognized as one of the best run counties in the nation in less than nine years is a tremendous turnaround. He said that every single member of the County's family should be commended for an outstanding job well done.

He continued by saying that the homeless issue had been present but unacknowledged by most people for decades, many of whom turned their backs hoping it would just "go away." Instead, the problem kept getting worse. In the Fall of 2002 the Board of Supervisors broke ground for the new Human Services Campus in downtown Phoenix. The County along with the City of Phoenix and other local governments, non-profits and private interests, have joined hands in a united dedication to provide a correlating collection of facilities to provide care for the people in the County who have no place to stay or work to do. Chairman Stapley said that this endeavor shows that "the public and private sectors can work together effectively in achieving important, common, social goals."

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

He referred to the passage of Proposition 411 (extension of the jail tax) by voters as a “watershed moment in the history of this County.” He said it would allow the County to plan for the future of the criminal justice system in all its complexities. Chairman Stapley explained that one of the County’s most important functions is that of public safety and without the passage of this proposition “that endeavor would have been in serious jeopardy. But, because of the foresight of the County’s voting residents plans can now be set in motion for the next 20 years.”

He continued by referencing the long-overdue opening of the new, state-of-the-art Forensic Science Building, “that is the envy of everyone in the country and which places Maricopa County at the head-of-the-class when it comes to forensic science.” Sciences that include important work in crime-solving procedures and DNA testing.

His concluding statement was to thank his staff and congratulate all those who have had a part in “getting the job done every day, with special thanks going to the Supervisors, David Smith and the senior management team. He indicated that the successes of the past year have made Maricopa County a better place to live for all residents.

PRESENTATION OF THE 2002 COMBINED CHARITABLE CAMPAIGN RESULTS

Bill Scalzo, Chairman of the 2002 Combined Charitable Campaign reported on the results of this year’s campaign entitled “Helping Hands Around Maricopa County.” He said that the campaign had been a “new process” that allowed the participation of 182 qualifying 501(c)3 charities. He explained that the committee had devised many different kinds of activities to raise funds for this year’s campaign. He showed highlights from some of the events held during the year and introduced those who co-chaired or were instrumental committee workers for the different events. Mr. Scalzo reported that the total amount of money collected this year was \$353,200, including cash donations from 189 persons who are in leadership positions who donated \$148,000 of the total amount.

David Smith said he thought this was an excellent illustration of, “County Employees Come Through Again” at a time in the economy when demand is up and charitable contributions are down. He said that County employees increased their total contributions by \$30,000 over the previous year – for an approximate 9% increase. He indicated that all the events were planned and executed by County employees who did all of it in addition to their regular jobs. He stated, “Frankly, Mr. Chairman, I couldn’t be more proud of this result.” He added that it exemplified the County’s new slogan of “Serving our community with pride, integrity and respect.” Mr. Smith and Chairman Stapley presented Bill Scalzo with a small memento in recognition of his efforts in correlating a successful campaign. (ADM650)

REWARDING IDEAS AWARDS

Ophelia Abril, Sheriff’s Office, reported that Maricopa County’s Rewarding Ideas Awards Program has realized a fiscal year savings of \$260,353 for Maricopa County. Today’s honoree is Sheriff’s Office employee Mark Rye whose cost saving idea of supplying indigent inmates with free stamped postcards instead of free stamped envelopes resulted in tangible savings of \$223,932. Chairman Stapley presented Mr. Rye with a Certificate of Appreciation and a check for \$2,500. (C31030047) (ADM3333-002)

ORGANIZATION OF ADDITION ONE TO THE DESERT HILLS SANITARY IMPROVEMENT DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the organization of Addition One to the Desert Hills Sanitary Improvement District located in the vicinity of 7th Street and Carefree Highway. The district is for the construction and maintenance of a

**FORMAL SESSION
December 18, 2002**

wastewater treatment plant and associated sanitary sewer lines and appurtenances to serve the proposed district. This is an addition to the existing boundary. A petition representing 100% of the property owners of this district has been presented requesting formation of this district. In as much as this is a 100% district, the hearing to organize will be held on this date. (C6401202701) (ADM4302)

**ORDER ESTABLISHING
ADDITION ONE DESERT HILLS SANITARY IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, on November 21, 2002, praying for the establishment of ADDITION ONE DESERT HILLS SANITARY Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors February 7, 20December 18, 2002 and the said Board of Supervisors having set the hearing on said petition on the 20th of December, 2002 at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows:

Maricopa County Assessor's Tax Parcels Numbers: 211-52-014A and 211-74-012B

To include:

Construction and maintenance of a wastewater treatment plant and associated sanitary sewer lines and appurtenances to serve the proposed district.

The acquisition of real property and/or easements as necessary to appropriately locate district facilities.

The improvements do not include installation of service connections between the sewer main and on-site facilities.

And further declares that said district is now established under the name of Addition One Desert Hills Sanitary Improvement District, by which name it shall be known in all proceedings hereafter.

DATED this 18th day of December 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

Application filed by Patrick Shawn McCarthy for an Original, Series 12 Liquor License: (LL6072)

Business Name: McCarthy's
Location: 10050 West Bell Road, No. 20, Sun City

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Application filed by John David Hauskins for an Original, Series 12 Liquor License: (LL6073)

Business Name: Lakeshore Restaurant
Location: 14011 North Bush Highway, Mesa

Application filed by John D. Hauskins for a Person-to-Person Transfer of a Series 7 Liquor License from Paula Victoria Ciranni: (LL6074)

Business Name: Lakeshore Restaurant
Location: 14011 North Bush Highway, Mesa

Application filed by Robert Anthony Fernandez for a Special Event Liquor License: (F22997)

Business Name: Beat the Heat, Inc., Arizona Chapter
Location: 19421 West Jomax Road, Wittmann
Dates and Times: Friday, January 10, 2003; 11:00 a.m. – 5:00 p.m.
Saturday, January 11, 2003; 11:00 a.m. – 5:00 p.m.
Sunday, January 12, 2003; 11:00 a.m. – 5:00 p.m.

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting “aye” and Supervisor Brock voting “no.”

PUBLIC HEARING – USER FEE FOR COSTS AT SUPERIOR COURT

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the establishment of a user fee of \$20 to offset the costs associated with responding to requests for copies of electronically created and maintained court proceeding records. Authority for this request is based on A.R.S. §11-251.08 and State of Arizona Attorney General Opinion I95-18 (R94-63). The fee is assessed upon the filing of each request for a CD copy of the electronic court proceeding record. The fee collected would be deposited by the Clerk of the Court in Special Revenue Fund (Fund 259) with the Maricopa County Treasurer for disbursement by the Presiding Judge. Monies collected in the fund are needed to offset the material, labor, and personnel costs of responding to requests for electronic copies of the records. (C38020258) (ADM1005)

CHARTER AMENDMENT

Item: Amend the charter for the Maricopa County Internal Audit Department. Amendments are given below: (C2303003M) (ADM2600)

Anthony Abril, citizen, asked that this amendment to the charter for the County Internal Audit Department, be recognized under the State Auditor as well since it is utilized in the County as well as in the State's Government Information Technology Agency, which is under the State Legislature.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to amend the charter for the Maricopa County Internal Audit Department.

**FORMAL SESSION
December 18, 2002**

Maricopa County Internal Audit Charter

Purpose

The Maricopa County Board of Supervisors (Board) hereby establishes the Maricopa County Internal Audit Department. The mission of the Internal Audit Department is to provide objective, accurate, and meaningful information about County operations so the Board and management can make informed decisions to better serve County citizens.

Responsibility

County management has primary responsibility for establishing and maintaining an effective system of internal controls. Internal Audit evaluates the adequacy of the internal control environment, the operating environment, related accounting, financial, and operational policies, and reports the results accordingly.

Authority and Access

Internal Audit is established by the powers granted to the Board in A.R.S. § 11-251. The Board is authorized to supervise the official conduct of all County officers, to see that such officers faithfully perform their duties, and present their books and accounts for inspection (A.R.S. § 11-251.1). The Board is also authorized to perform all other acts and things necessary to fully discharge its duties (A.R.S. § 11-251.30). Internal Audit will report directly to the Board, with an advisory reporting relationship to the Board-Appointed Citizen's Audit Advisory Committee. In addition, the County Auditor will meet, as needed, with an oversight committee comprised of the County Administrative Officer and two Board members appointed by the Board Chairman. While conducting approved audit work, Internal Audit will have complete access (except where restricted by legal privilege) to all County property, records, information, and personnel.

Premise and Objectives

Internal Audit's basic premise is that County resources are to be applied efficiently, economically, and effectively to achieve the purposes for which the resources were furnished. This premise is incorporated in the following four objectives:

A. Compliance with Laws and Regulations

Those entrusted with County resources are responsible for establishing and maintaining effective controls to ensure identification of and compliance with applicable laws and regulations.

B. Effective Program Operations

Those entrusted with County resources are responsible for establishing and maintaining effective controls to ensure that programs meet their goals and objectives.

C. Validity and Reliability of Data

Those entrusted with County resources are responsible for establishing and maintaining effective controls to ensure that valid and reliable data are obtained, maintained, and fairly disclosed.

D. Safeguarding of Resources

Those entrusted with County resources are responsible for establishing and maintaining effective controls to ensure that resources are safeguarded against waste, loss, and misuse.

**FORMAL SESSION
December 18, 2002**

Independence

The Internal Audit Department will remain outside the control of management. Internal Audit employees will have no direct responsibility for, or authority over, any of the activities, functions, or tasks reviewed by the department. Accordingly, Internal Audit staff should not develop or write policies and procedures that they may later be called upon to evaluate. They may review draft materials developed by management for propriety and completeness. However, ownership of and responsibility for these materials will remain with management.

Audit Standards and Ethics

Internal Audit will adhere to applicable industry standards and codes of ethics issued by authoritative sources (such as those issued by the Institute of Internal Auditors and the U.S. General Accounting Office). Each member of the department is expected to consistently demonstrate high standards of conduct and ethics as well as appropriate judgment and discretion.

Audit Planning

The County Auditor will prepare an annual audit plan that will be reviewed by the Citizen's Audit Advisory Committee and approved by the Board. Additions, deletions, or deferrals to the annual audit plan will also be approved by the Board.

Follow-Up

Internal Audit will follow up on the status of its report recommendations on a regular basis.

RECEIPT OF FILL-THE-GAP COURT FINE GRANT COLLECTIONS FROM SUPERIOR COURT OF ARIZONA

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve receipt of Fill the Gap court fine grant collections from the Superior Court of Arizona for the FY 2002-2003 in the amount of \$442,216. These funds are to enhance efforts to prosecute crimes. These Fill the Gap court fine collections have been previously budgeted for FY 2002-2003. By approving this agenda item, the Board will be authorizing the increased funding that was budgeted by the amount of State of Arizona Fill the Gap court fines (non local grant revenues), thus causing a budget amendment to be authorized. This amendment will increase the County Attorney's revenue and expenditure levels for FY 2002-2003 by \$397,784. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S §42-17105. (C19030298)

EXTENSION TO INTERGOVERNMENTAL SERVICE AGREEMENT WITH PIMA COUNTY SHERIFF'S OFFICE

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an extension for the Intergovernmental Service Agreement (ISA) between Pima County Sheriff's Department and the Maricopa County Attorney's Office. This agreement will be extended through to June 30, 2003. By approving this agenda item, the Board of Supervisors will not be authorizing the acceptance of additional grant funds. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1902050201)

**FORMAL SESSION
December 18, 2002**

FUNDING FROM U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE TONTO NATIONAL FOREST

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the acceptance of up to \$122,000 in funding from the U.S. Department of Agriculture, Forest Service Tonto National Forest, to provide law enforcement and emergency medical response services to the area of Maricopa County that are within the boundaries of the Tonto National Forest. The term of this funding is October 1, 2002, through September 30, 2003. This funding is included in the FY 2002-2003 Sheriff's Office Budget. The remaining funding will be included in the Sheriff's Office Budget for FY 2003-2004 budget request. Funding to the Forest Service, Tonto National Forest is included in its Federal appropriation: therefore, funding to Maricopa County is not a grant and is not subject to indirect costs (per Department of Finance). (C50035303)

GRANT FUNDING FROM ARIZONA STATE PARKS BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to adopt a resolution, to the Arizona State Parks Board and, if awarded, approve acceptance of a Law Enforcement and Boating Safety Fund grant not to exceed \$175,000. This grant requires a 50% soft match of \$175,000, which exists within budgeted funds. The purpose of this grant is to continue funding at 50% for four existing deputy sheriff positions that provide boating law enforcement on the county lakes and rivers and to fund the replacement of a redlined 1993 Sunset Runabout patrol boat at an estimated cost of \$46,505. As these grant-like funds are the result of ARS §5-383, recovery of indirect costs are not allowed. (C50035313)

EXPENDITURE APPROPRIATION TRANSFER FOR ADULT PROBATION - CONTINUED

Item: Having found that the transfer is in the public interest and based on a demonstrated need the Adult Probation Department asked the Board to authorize an Expenditure Appropriation transfer for FY 2002-03 from General Government Contingency (Fund 210) to Adult Probation Fee Fund (201) in the amount of \$1,000,000, and authorize Adult Probation department to use fund balance to cover recurring costs in the amount of \$1,000,000 in FY 2002-03, as an exception to the provision of the Budgeting for Results Policy Guidelines that requires structurally balanced budgets (recurring revenues fully support recurring expenditures). Approximately \$650,000 will be used to cover the cost of salary and fringe benefits for thirty-six staff through June 30, 2003. Approximately \$350,000 will be used to offset anticipated June 30, 2003 deficits in State grant accounts. Fund Balance is available in the Adult Probation Fee Fund (201) to cover this request. (C11030028) (ADM200)

Barbara Broderick, Adult Probation Director, thanked the Supervisors for having already filled-in some of the shortfalls caused by the State Budget deficiencies. She said there is an additional problem, which involves 36 positions affiliated with sex offender, domestic violence and seriously mentally ill programs that are currently at risk. She asked for an extension of funding by lifting the cap on probation funds in the budget to provide for a continuation of these programs for the next six months until fiscal year end. She said there was a surplus in the account of \$3.2 million and she asked them to approve the \$1 million fund transfer.

Chairman Stapley recognized Judge Colin Campbell, Presiding Judge of the Superior Court, who said that this is an extremely important issue for the court because state funding will be lost as of January 1, 2003. He indicated that the caseloads covered by these probation officers are important to the public

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

health and safety, and that the officers must be laid-off by that date if funds are not made available. He explained that they are not asking for General Fund monies but for probation fees that are in a contingency fund. He said that these probation fee monies could be used to keep these probation officers in place until July 1, 2003. He said that the funds are there but can't be spent because of the expenditure cap that is in place and he was asking for that cap to be raised in this instance.

Chairman Stapley said that OMB (Office of Management and Budget) had just sent out a memo asking for more time to study this request and he asked David Smith to comment. Mr. Smith said that the cap is not intended to cause unnecessary interruption of programs or laying off of employees. The only way to gain additional time would be to continue this item to a special meeting sometime in the next two weeks. This was his recommendation because additional items are expected to surface before the end of the fiscal year with regard to many of the criminal justice services and they could also be discussed at that time.

Discussion ensued, Chairman Stapley said he would like additional time to consider all the ramifications of the request. Supervisor Wilcox suggested approving it for a 90-day period. Supervisor Kunasek said that all members of the Board are frustrated by the "continuing shift of the State's budget problems onto our backs. Eventually this will have some very real, negative and obstructive impacts on public safety and other areas of County government. For us to be forced to make unexpected crisis decisions like this because of their fiscal problems is more than frustrating." All Supervisors said they would make time on their calendars to hold a special meeting on this subject.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to a Special Meeting on Friday, December 20, 2002, at 9:00 a.m.

INTERGOVERNMENTAL AGREEMENT WITH CITY OF EL MIRAGE

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of El Mirage to allow El Mirage Municipal Court to lease courthouse and parking space currently occupied by the Superior Court at the Northwest Facility. El Mirage has agreed to pay the County \$2,788.86 per month from January 2, 2003, through December 31, 2003. (C38030122)

DONATION TO THE MARICOPA COUNTY HEALTHCARE FOR THE HOMELESS PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept donation of \$360,000 and the associated Capital Grant Terms & Conditions from the Virginia G Piper Charitable Trust to the Maricopa County Healthcare for the Homeless Program. The funds are to be used for construction of the Homeless Clinic at the Human Services Campus. This capital project grant is for the time period from November 22, 2002, to November 21, 2005, and will be paid in three installments: November 22, 2002 - \$144,000; November 22, 2003 - \$108,000; November 22, 2004 - \$108,000. The grant agreement describes funding terms and responsibilities, including use of grant funds, reporting, record maintenance and inspection, compliance, public reports and naming opportunity. (C20030080) (ADM2519-001)

**EXPENDITURE APPROPRIATION TRANSFER FROM GENERAL GOVERNMENT, GENERAL FUND
RESERVED ITEM "OFFICE OF CONTRACT COUNSEL ADDITIONAL COSTS"**

Having found that such transfer is in the public interest and based upon a demonstrated need, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize an

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

expenditure appropriation transfer of \$107,313 from General Government, General Fund Reserved Item "Office of Contract Counsel Additional Costs" to the Office of the Legal Advocate (Fund 100) for FY 2002-03, for the creation of 2.0 FTE attorney positions. OLA was asked to accept an additional capital murder case in October 2002, but cannot handle an additional case with existing attorney staff. Because representation must commence immediately, the addition of a First/Second Chair attorney team is required at this time, rather than waiting for the final recommendation of the Ring budget requests. (C5503001M) (ADM503) (C2601002401)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to reject claim demands (November 2002) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$206,686.90 and ARS §11-622 \$0.00) (C39030077) (ADM1804)

**Monthly Summary Report
November 2002**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Advanced Cardiac Specialists	6,061.00	0.00
Allure Plastic Surgery Pc	375.26	0.00
Anaya, Carlos Mdp	3,780.00	0.00
Associated Radiologists, Ltd	31.00	0.00
City Of Phoenix Ambulance	1,994.31	0.00
Emergency Assoc Of Arizona	898.00	0.00
Emergency Physicians Prof Asso	1,937.00	0.00
Emergency Professtional Svcs Pc	905.00	0.00
Hospitalists Of Arizona	217.00	0.00
Maricopa Health Systems	73,023.31	0.00
Medpro	90,771.47	0.00
Neurology Group	85.00	0.00
Phoenix Memorial Hospital	2,933.14	0.00
Professional Medical Transport	4,977.77	0.00
Rural Metro Ambulance	1,817.32	0.00
Southwest Ambulance	5,285.59	0.00
St Josephs Hosp Arizona	10,643.73	0.00
Team Physicians Az	951.00	0.00
Grand Totals:	206,686.90	0.00
Restitution	0.00	
Totals Denials:	206,686.90	

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

MANAGEMENT INCENTIVE PROGRAM PERFORMANCE PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Management Incentive Program Performance Plan for Ben Arredondo, Chief Deputy, Superintendent of Schools, for FY 2002-2003, in compliance with the Board approved Management Incentive Policy. (C35030126) (ADM3300)

**Management Incentive Program Performance Plan For
Ben Arredondo, Chief Deputy, Superintendent of Schools**

In addition to his Annual Salary Compensation as Chief Deputy for the Superintendent of Schools, Mr. Arredondo will receive an additional Incentive Compensation package of \$4,665.00, payable in three \$1,555 increments (in the pay period immediately following February 28, 2003, April 30, 2003 and June 30, 2003) upon his meeting the following requirements. If an item is not met during a rating period (as shown below), no payment will be made for that period.

		<u>Due Date</u>
Managing for Results	Participation in October 2002 Updating Process Quarterly Reporting	10/25/02 As Required
MCSOS Budget	Expenditure appropriation levels will not be exceeded.	Ongoing
FY 03-04 Budget Submission	Following BOS guidelines and calendar developed by OMB.	As Required
Critical Salary Freeze Exemptions	No critical salary freeze exemptions will be submitted that are not clearly of an emergency nature.	Ongoing
Agenda Processing	Meet deadlines for submission of agendas to the BOS based on Clerk of the Board published deadlines.	Ongoing
Procurement	Adherence with procurement codes.	Ongoing
Transaction Processing	All transactions that utilize General Government or Appropriated Fund Balance as a funding source must have OMB sign-off before being processed.	Ongoing
Advisory Board	By April 30, 2003, the Superintendent of Schools will create an independent Advisory Board for the Maricopa County School District.	04/30/03

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Legislative Changes-Governing Board	By June 30, 2003, the Superintendent of Schools will receive legislative approval to create an independent Governing Board for the Maricopa County School District.	06/30/03
Strategic Plan Goal	By November 30, 2002, each employee's performance plan will be aligned with the MCSOS mission and include an individual growth plan, resulting in a 30% increase in employee satisfaction ratings on internal employee surveys.	11/30/02
Strategic Plan Goal	By December 31, 2002, MCSOS will have developed a written technology plan that will identify current and future school district and internal technology needs.	12/31/02
Strategic Plan Goal	By December 31, 2002, MCSOS will have completed a written public relations strategy. We have completed many updates to the departmental website, sent out newsletters to all school districts and home schooling families as well as conducted monthly visits to school districts.	12/31/02
Strategic Plan Goal	By January 31, 2002, MCSOS will develop and implement a small schools administration program that will support the educational and administrative needs of the small and rural school districts.	01/31/03
Strategic Plan Goal	By January 31, 2002, MCSOS will develop a training course catalog to provide school district personnel with classes in order to better serve the needs of their staff and students.	01/31/03
Rating Periods:	1: July 1, 2002 - February 28, 2003 2: March 1, 2003 - April 30, 2003 3: May 1, 2003 - June 30, 2003	

FIRST QUARTER GAINSHARING AWARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the first quarter (July 1, 2002 through September 30, 2002) gainsharing award for eligible employees who participated in the "Registration, Financial Counseling & Eligibility FY 2003 Gainsharing Program". The Board approved this program on September 4, 2002. (C35020056) (C35030136) (ADM3345-001)

GAINSHARING PROGRAM FOR FINANCE COLLECTIONS UNIT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the "Gainsharing Program" for the Finance Collections Unit per the Employee Gainsharing Programs Policy (HR2419) with an exception to Section III item 3, to allow for same fiscal year payment of gainsharing incentives due to increased revenue. The policy indicates that a program involving revenue enhancement will award the participants in the following fiscal year, in order for the revenue to be properly budgeted through an increased expenditure authority. In the case of this program, and through the nature of cash collections, the estimated cost associated with the payout of the quarterly

**FORMAL SESSION
December 18, 2002**

gainsharing programs can be easily absorbed in the current budget. (SEE BACK-UP) (C35030146) (ADM3345)

FINANCE COLLECTIONS UNIT
Gainsharing Incentive Program

WHAT?

Employees will be eligible to receive a goal results incentive if departmental strategic goals are achieved.

WHY?

The Collections Unit for the Department of Finance is using a results-oriented compensation tool to facilitate the achievement of its strategic cash flow goal, which is derived from the department's Managing for Results (MFR) Strategic Plan:

- Develop and implement new strategies to enhance collection activities.

WHO?

All employees (excluding temporary and initial probationary employees) are eligible who have been employed by the Collection Unit for at least six consecutive months. The employee's individual performance must meet or exceed departmental standards during the Measurement Period. The employee must have actively contributed toward the goals of the plan for at least one half of the Measurement Period. If an employee completes six consecutive months of employment with the Collection Unit and subsequently completes initial probationary status before the end of the Measurement Period, the employee will be eligible to receive an incentive award if the employee actively contributed toward the goals of the plan for at least one half of the Measurement Period.

Employees must be working for the Collection Unit on the date of award distribution. Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gain share normally due them.

HOW?

Goals are taken from the Department of Finance, County Collection Unit's Strategic Plan. The Program requires attainment of the following goals in order for any gainshare award to occur. All goals must be achieved.

To qualify for an award in FY2002-03, the unit must increase each of the remaining FY2002-03 quarters (Q2, Q3 and Q4) cash collections from the baseline amount (an average of FYE02, Q4 and FYE03, Q1). It is anticipated that each following year, the unit must increase quarterly cash collections from the previous year's quarterly cash collection. Only cash collections from sources of revenue that are designated for the County general fund and not earmarked for a designated purpose are eligible for disbursement for the Finance Collection Unit employee gain sharing program. Funds designated for other uses include but are not limited to: fines collected for drug offenses pursuant to A.R.S. §13-821; fines collected for offense included in chapter 34 of the Arizona Revised Statutes and prosecuted by a city prosecutor, a county attorney or the attorney general pursuant to A.R.S. §13-811; assessments collected for reimbursement of the county for the cost of defending indigents pursuant to A.R.S. §11-584. If any of the sources of revenue that are currently designated for the County general fund are redesignated for deposit into a designated fund, or earmarked for a designated purpose, they will no longer be eligible for disbursement for the Finance Collection Unit employee gainsharing program. If the Collection Unit begins to collect cash from a new source of revenue that is designated for the County general fund that is not earmarked for a

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

designated purpose, that source of revenue is available for disbursement for the Finance Collection Unit employee gainsharing program. Comparing the quarterly collections to the previous year's quarter allows for seasonal differences. Excess collections over baseline amounts are split between the General Fund and the Employee Gain Sharing fund according to the following schedule:

Collection Range (FY2002-03 only)	General fund	Employee Gain Sharing fund
Amount is between \$9,267 and \$10,656	50%	50%
Amount is between \$10,657 and \$12,046	60%	40%
Amount is over \$12,046	70%	30%

It is anticipated that the collection range for FY2003-04 gain sharing program will be re-calculated each quarter based on FY2002-03 quarterly collections.

A 25% reserve will be withheld from the Employee Gain Sharing fund until fiscal year end to ensure goal attainment.

1. Keep accounts that are at a status of 90+ days delinquent at 15% or less of the active cases.
2. Keep outside collection agency cases at 85% or less of the total active cases.
3. The department must remain within its expenditure budget.

If goals are not achieved, any employee gainsharing fund will be rolled over into the next measurement period. If at the end of the fiscal year, goals are not achieved, all monies will be returned to the General Fund.

Since the estimated cost associated with the payout of the quarterly gainsharing incentive can be absorbed in the current budget appropriation, an exception is being requested from the Employee Gainsharing Programs Policy (HR2419), III, Item 3, in order for incentive awards to be paid out in the same fiscal year.

SAVINGS/REVENUE:

Savings will be generated by the implementation of new strategies to enhance collection activities.

INCENTIVE DISTRIBUTION

Awards are applied equally to all employees in the collections unit (subject to eligibility requirements). The maximum distribution per eligible employee is \$2,000 per fiscal year. Quarterly incentives will not be paid until amount equals \$50.00 or more, with all being paid out at year-end regardless of amount.

WHEN?

In order to build excitement rewards will be paid quarterly. The Gainsharing Program will be utilized as a retention tool as employees will view the program as a value added reason to work in the collections unit.

**FORMAL SESSION
December 18, 2002**

FY2002-03

- Measurement Period One – 10/1/02 through 12/31/02
Analysis will be performed by the department during the measurement period. Awards will be paid to eligible employees no later than February 28, 2003 (distribution award date).
- Measurement Period Two – 1/1/03 through 3/31/03
Analysis will be performed by the department during the measurement period. Awards will be paid to eligible employees no later than May 31, 2003 (distribution award date).
- Measurement Period Three – 4/1/03 through 6/30/03
Analysis will be performed by the department during the measurement period. Awards will be paid to eligible employees no later than August 1, 2003 (distribution award date).

REPLACE COUNTY VEHICLE WITH NEW 8-PASSENGER VAN

At the request of Supervisor Wilson this item was taken separately.

Item: Approve and authorize Community Development to retire and replace County Vehicle No. 81336 (1993 Ford Tempo) with the purchase of a 2003 Chevrolet 8-passenger Astro Van. The Tempo has approximately 50,000 miles and is no longer under warranty. Community Development has need of a reliable vehicle that can carry more than 5 or 6 passengers when conducting field trips for clients at remote sites, or when all of the staff attends training classes or meetings. The purchase of the van will not increase the County fleet, nor increase Community Development's fleet of vehicles. Sufficient grant funds are available for the purchase of the vehicle this fiscal/budget year. No general funds will be used. (This item continued from meeting of December 4, 2002.) (C17030790) (ADM3100)

Supervisor Wilson explained that he had met with department representatives on this item and consequently had concluded that he would not support it because the current vehicle, a Tempo, is now running well and his understanding is that a larger van is only needed for a couple of trips a year.

Motion was made by Supervisor Wilson and seconded by Supervisor Brock to deny the purchase of a 2003 Astro Van. Discussion ensued prior to calling for the vote. Supervisor Kunasek asked if a "pool vehicle" could be used the two or three times a year that require a larger vehicle or if one could be rented from McDOT who has several 8 to 15 passenger vans. Mr. Smith said that there were larger vans available through the general County fleet.

Isabel McDougal, Director of the Community Development Department, said that there had been a misunderstanding because this car would be used almost every day of the year. The vehicle they have is 10 years old and has a high-maintenance history, having "stranded our staff in remote areas of the County on a number of occasions" causing them to now use it only for trips around town. She explained that OMB had requested that they turn the vehicle in, but they need a replacement for it before doing so. With the budget cuts for the next fiscal year they feel this would be the last opportunity they will have for some time to replace the current van. Chairman Stapley confirmed that the funding for the vehicle would come from a Federal Grant.

The motion to deny was defeated by majority vote (1-4) with Supervisor Wilson voting "aye" and Supervisors Brock, Stapley, Kunasek and Wilcox voting "no."

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox to approve the purchase of a 2003 Astro Van. This motion was approved by majority vote (4-1) with Supervisors Brock, Stapley, Kunasek and Wilcox voting "aye" and Supervisor Wilson voting "no."

**FORMAL SESSION
December 18, 2002**

APPOINTMENT TO PARKS AND RECREATION COMMISSION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and appoint Randy Virden, Associate Professor, with the College of Public Programs, Department of Recreation Management and Tourism with Arizona State University, to the Parks and Recreation Commission as recommended by the Parks and Recreation Director. (C30030097) (C30030109) (ADM3203)

FUND TRANSFERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SELL EXCESS PARCELS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and declare land parcels to be excess property and authorize the parcels to be sold at auction. The land values have been determined by certified, licensed appraisers and the parcels will be auctioned by oral or sealed bid to the public or, if to a municipality or other government entity, at fair market value, without an auction, all as provided for in A.R.S. §11-251.9. Real Estate Services has assembled a portfolio of real property assets acquired over time by a variety of methods that have no identified purpose in the current CIP (Capital Improvement Program). Selling these assets will generate revenue needed to support CIP activities now underway or planned in the near future. The current total appraised value of the properties is \$7,983,000. This parcel list has previously been presented to the Board and discussed in Executive Session. Appraisal updates currently in progress will be received prior to the sale and the new values will be used. Further descriptions of the properties are as follows: (C18030108) (ADM812)

- 80-acres NEC of 115th Avenue & McDowell Road, Avondale
- 38-acres NEC of 81st Avenue & Hatcher Road, Peoria
- 5.5-acres NEC of 67th Avenue & McDowell Road, Phoenix
- 1.5-acres SWC of 5th Avenue & Fillmore Street, Phoenix
- 1.5-acres NWC of Nuttall Drive & Eliseo C. Felix Way, Avondale
- 0.9-acres, Residence, 550 Avenida De Septiembre, Rio Rico, Santa Cruz County, AZ
- 0.3 acres SEC of Lindsay Road & Lexington Street, Chandler

SOLICITATION SERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

- 02083-RFP ECONOMIC SERVICES/OMB** (\$250,000 est/three (3) years with three (3) one year renewal options).
Pricing agreement to provide Economic Services to include development and maintenance of advanced econometric forecasting models, databases of demographic and economic indicators, and fiscal impact analysis of legislation and other issues.
- Elliot D Pollack & Company
- 02096-C FOODS: STAPLE GROCERY AND GROCERS MISCELLANEOUS ITEMS; JUICES, FOODS: PERISHABLE; WATER, DRINKING AND REFRIGERATION EQUIPMENT AND ACCESSORIES, VENDING MACHINE A.K.A. JUICE AND WATER ITEMS** (\$200,000 est/two (2) years with three (3) one year renewal options)
Pricing agreement for Juice and Water Items (including vending machine) to be sold by various county agencies).
- Phoenix Coca-Cola Bottling Co
- 02098-RFP AUDIT ASSISTANCE, INTERNAL AUDIT** (\$400,000 est/one (1) year with four (4) one year renewal options)
Pricing agreement to provide audit assistance to the Internal Audit Department on an as required basis.
- KPMG LLP
 - Protiviti Inc

 - Jefferson Wells International Inc
 - Zolondek Strassels Greene & Freed
- 02100-S ACTUARIAL SERVICES, CONSULTANT-RISK MANAGEMENT** (\$225,000 est/three (3) years with two one (1) year renewal options)
Pricing agreement requested by the Risk Management Department to provide comprehensive actuarial evaluation services for the purpose of determining the County's liabilities related to business operations.
- Deloitte & Touche LLP
- 02101-RFP SALE AND DISPOSABLE OF SURPLUS REAL PROPERTY** (\$500,000 est/one (1) year with four (4) one year renewal options)
Pricing agreement for the sale and disposal of surplus and real property that have been determined by the Board of Supervisors to be surplus to County's long term needs. The cost of this contract will be paid out of the sale of the land with the county incurring no expense out of the general fund.
- CB Richard Ellis

Sole Source

- a) Three-year sole source procurement to IBM/Informix for the purchase of Dynamic Server, I-Spy, IDS Developer, and all other proprietary software licenses, maintenance and support for IBM/Informix products. In the last several months, IBM has acquired Informix and therefore the IBM/Informix software is not available through any competitively bid government contracts. The County Attorney's Office, Sheriffs Office, Records Office and various other locations throughout Maricopa County use these software licenses. Individual expenditures are subject to

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

departmental budgetary authorizations. This request has been advertised in accordance with the County's sole source procurement procedures. (C73030071)

- b) Sole source contract to Pavement Technology, Inc. for the purchase of an Extended Service Warranty on Model AAPA Asphalt Pavement Analyzer manufactured by and purchased from Pavement Technology, Inc. The estimated expenditures for this contract will be \$46,691.14. Maricopa County is not aware of any alternate provider or source for this Extended Service Warranty. No other vendor is known to have the knowledge to repair the Analyzer. (C73030081)
- c) Sole source procurement to Motorola for radio equipment, including hardware, firmware, and software, for expansion of the County's SmartZone® 800 MHz public safety radio system. This system provides two-way radio communications for Maricopa County Sheriff's Office and other County departments as well as the cities of Scottsdale, Surprise, Fountain Hills, and Paradise Valley. The system is compliant with APCO Project 16 technical standards; the Motorola SmartZone® Controller and all related system and radio software are proprietary to Motorola. SmartZone® equipment requires service including 24/7 telephone support via Motorola's System Support Center as well as on-site support by trained Motorola technicians. This sole source procurement was advertised in accordance with the County's sole source procurement procedures and expenditures will be subject to departmental funding. (C73030091)

Extension of Contracts

Extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until January 31, 2004

- 99173-X SIGNS, SIGN MATERIALS, SIGN MAKING EQUIPMENT, AND RELATED SUPPLIES: BLANKS, SIGN, METAL: SIGN MAKING EQUIPMENT INCLUDING COMPUTERIZED TV SIGN MATERIAL, REFLECTIVE: (AKA TRAFFIC SIGNING MATERIALS) (\$500,000.00 est/one (1) year)**
One year extension of pricing agreement to purchase traffic signing materials for use by MCDOT in highway traffic control.
- 3M Company TCM Division Bldg.
 - Z A P Manufacturing Inc
 - Zumar Industries

Until April 30, 2004

- 99174-RFP ELECTIONS BALLOT PRINTING (\$1,500,000.00 est/one (1) year)**
One year pricing agreement extension for the printing of ballots, ballot shells, publicity pamphlets, registers and rosters in addition to printing/bursting of early voter packets.
- Runbeck Graphics

Increase in the contract amount for the following contract(s). This request is due to an increased usage by County departments.

**FORMAL SESSION
December 18, 2002**

01177-C

FENCING: PURCHASE, RENTAL, REPAIR AND NEW INSTALLATION

Increase contract value from \$119,000.00 to \$419,000.00. Additional funds are needed to support various using agency needs for fencing purchases and rentals through the term of the contract which expires June 30, 2004. This contract was initially awarded by the Board of Supervisors on June 26, 2002.

- American Fence & Security Inc
- Browns Custom Fence

WAIVER TO COMPENSATION PLAN – RETROACTIVE SALARY ADVANCEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation Plan, Section VII.A to allow retroactive salary advancement for Animal Control Officer Michaelangelo D. Murillo, from \$12.50 per hour to \$13.48 per hour, with an effective date of May 27, 2002. The retroactive pay will come from budgeted funds and will not exceed \$911.05. Mr. Murillo's paperwork was unintentionally and mistakenly passed over when his salary advancement paperwork was due into the AC&C Human Resources before close of FY 2002. (C7903025M) (ADM3308)

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of December 4, 2002, through December 3, 2003. (C7903026C) (ADM2304)

- a) Penny Talavera, dba Martin Kennels, 11309 West Roeser Road, Tolleson, Permit No. 266
- b) Barbara Whitley, dba Whitley's Whallawhala, 1001 West Weldon Avenue, Phoenix, Permit No. 331

TRANSFER FROM FY 2002-2003 GENERAL GOVERNMENT DETENTION FUND CONTINGENCY TO NEW GENERAL GOVERNMENT DETENTION FUND PROGRAM – CORRECTIONAL HEALTH LEASE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a transfer of \$152,063 from FY 2002-2003 General Government Detention Fund Contingency to a new General Government Detention Fund Program – Correctional Health Lease. This is a Full Service Lease, No. L7300, with Sundance Tower, LLC, Lessor, for 6,620 square feet of office space and related parking located at 111 West Monroe, Suite 900, Phoenix, AZ 85003. The space is used by Correctional Health Services' Administration Division. The Lease was initially approved for a three-year period commencing October 1, 2000, under Agenda C26010024. This budget adjustment will enable CHS to fund for and pay outstanding bills for the FY 2002-2003. Amount of funding originally approved under Agenda C26010024 for FY 2002-2003 was \$152,063. (C26030098) (ADM2131)

INTERGOVERNMENTAL AGREEMENT WITH REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)/VALLEY METRO

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the Regional Public Transportation Authority (RPTA)/Valley metro in the amount of \$400,000 for services to the Maricopa

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

County Regional Travel Reduction program. Funding to support these activities is from a grant to Maricopa County from the Maricopa Association of Governments (MAG). The RPTA will carry out project work activities, issue requests for proposals and hire consultants as required to perform related work activities. This agreement becomes effective upon filing with the County Recorder and remains in effect for the period necessary to complete activities specified in the IGA, such period not to exceed September 30, 2003. (C88030252)

REAPPOINTMENTS TO VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM ADVISORY COMMITTEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to reappointment of the following members to the Voluntary Vehicle Repair and Retrofit (VVR&R) Program Advisory Committee. The renewed appointments shall be two-year terms to expire in January 2005. (C88030269) (ADM2360)

- Mr. Charles Cupell representing the Arizona Department of Transportation
- Mr. Dennis Robbins representing aftermarket groups, and
- Mr. Bill Buck and Mr. Gary Kuhstoss both representing automobile hobbyists

INTERGOVERNMENTAL (REVENUE) AGREEMENT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental (revenue) Agreement between Maricopa County Human Services Department and the Arizona Department of Economic Security in the amount of \$91,922. This agreement provides for the reimbursement of costs associated with staff training activities, to be conducted by Maricopa County staff, for community and faith based organizations participating in the U.S. Department of Labor Faith and Community Based Organizations System Building Grant. The term of this agreement shall begin on September 1, 2002, and shall terminate on June 30, 2003. (C22031062)

INTERGOVERNMENTAL AGREEMENTS WITH SCHOOL DISTRICTS – SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreements with the following school districts to provide school-based tobacco use prevention and education services. The term of the agreements are from November 20, 2002, to June 30, 2003.

- a) Saddle Mountain School District, for a contract dollar amount not-to-exceed \$2,000. (C86032152)
- b) Arlington School District, for a contract dollar amount not-to-exceed \$2,000. (C86032162)
- c) Gilbert Unified School District, for a contract dollar amount not-to-exceed \$42,000. (C86032222)

MEMORANDUM OF UNDERSTANDINGS FOR DISASTER RESPONSE SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Memorandums of Understanding for Disaster Response Services. The terms of the MOU's will begin December 18, 2002, for one year and automatically renew for four additional year periods unless

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

canceled at any time, in writing, by either party. The MOU's will provide transportation and related medical services upon request in the event of natural or man-made disasters.

- a) Rural/Metro Fire Dept., Inc. (C15030040)
- b) SW General, Inc. (C15030050)

CALL FOR BIDS AND AWARDS

Item: Adopt plans and specifications, authorize a call for bids, and award construction contracts to the lowest responsible bidders provided that the bids are not more than 10% over the architect's estimate for the following projects:

- a) Replace MCSO Saguaro and Canyon Lake Boathouses. Project Nos. 2001226766 and 2001226774 are funded in the FY 2003 Budget, Fund 251, Agency 501, Org. 5030, Object Code 0915.01. The completion of this work is necessary to replace existing Maricopa County Sheriff's Office Lake Patrol boathouses and slips that are dilapidated and undersized for current requirements. (C70030305)
- b) Third Floor Tenant Improvements for Human Services. This contract work is funded through the following FY 2003 budget appropriations: Project No. 2002305581, Detention Capital Improvement Program, Fund 455, Agency 409, Org 4091; Project number 2000131164, General Fund Capital Improvement Program, Fund 435, Agency 478, Org 4713; and Project No. 2002314509, Major Maintenance Fund 100, Fund 480, Org 4832. The completion of this work is necessary to do the needed tenant improvement of the third floor of the Security Building for occupancy by the Human Services Department. (C70030315)

Supervisor Kunasek asked that the boathouses be offered to the Parks Department for possible use at Lake Pleasant before they are destroyed, as there is a need them there. This was agreed to.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt plans and specifications, authorize call for bids, and award construction contracts on these projects.

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A002.003-PDE (JPP) Project No: 620.03.32 - Bethany Home Outfall Channel – Permanent Drainage Easement and Agreement for Flood Control Purposes - Parcel No. 102-04-003F - from Maricopa County to the Flood Control District of Maricopa County - for the sum of \$1.00.

A195.010 (AC) Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Easement and Agreement for Highway Purposes - Parcel No. 202-21-031C - Charles T. Selleys, trustee - for the sum of \$500.00.

A195.010 Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Purchase

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

- (AC) Agreement and Escrow Instructions - Parcel No. 202-21-031C - Charles T. Selleys, trustee.
- W-4328 Project No: 68535 - Delores Rd. (35th Avenue - 27th Avenue) - Easement and
(AC) Agreement for Highway Purposes – Parcel No. 203-38-008A & 008B - Solomon O. Muniz and Pricilla M. Muniz - for the sum of \$19,750.00.
- W-4328 Project No: 68535 - Delores Rd. (35th Avenue - 27th Avenue) - Purchase Agreement
(AC) and Escrow Instructions – Parcel No. 203-38-008A & 008B - Solomon O. Muniz and Pricilla M. Muniz.

ROAD ABANDONMENT (ROAD FILE NO. 5251)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted regarding correction to Road File number from Road Fil 5231 (adopted by the Board on July 24, 2002.): (C64030095) (C64031300) (F23049)

WHEREAS, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

A portion of that certain road right-of-way described in Docket 2372, page 143, Maricopa County Records, lying within the Northeast quarter (NE4) of Section Seven (7), Township 3 South, Range 4 West, of the G&SRB&M, Maricopa County, Arizona, said road lies North of the northerly right-of-way of Old U.S. 80 Highway (Gillespie Dam Road);

Except, any portion, thereof, lying with that certain parcel described in Recorder No. 2002-0392293, M.C.R.

(Said abandonment being a portion of Patterson Road north of the Northerly right-of-way of Old U.S. 80, and within the Northeast quarter of Section 7, T3S, R4W)

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 18th day of December 2002.

CONTRACT WITH OZ ENGINEERING

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Contract No. CY 2003-19 with OZ Engineering for On Call Regional Archived Data Server

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

services in an amount not-to-exceed \$250,000 during the contract performance. The contract shall be in effect from the date of execution through September 30, 2003, or until the contract amount of \$250,000 is expended, whichever occurs first. (C64030705)

AMENDMENT TO FY 2002-2003 5-YEAR CIP

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an amendment to the FY 2002-2003 5-year CIP by decreasing the Project Reserve (PRSA) Year-1 (FY 2002-2003) Capital Budget from \$4,114,232 to \$3,199,232, and increasing the Year-1 (FY 2002-2003) Capital Budgets as follows. The requested Capital Project transfers result in a net zero impact to the FY 2002-2003 5-year CIP. (C64031188) (ADM2000)

- Camelback Road from Litchfield to El Mirage (ELEM), from \$200,000 to \$410,000 in Year-1 (FY 2002-2003);
- Baseline Road from 7th Avenue to 43rd Avenue (BBFA), from \$20,000 to \$250,000; in Year-1 (FY 2002-2003);
- Old US 80 @ Hassayampa/Scour (OOHS), from \$6,000 to \$166,000 in Year-1 (FY 2002-2003); and
- 99th Avenue from McDowell to Glendale (NMDG), from \$100,000 to \$415,000 in Year-1 (FY 2002-2003).

CALL FOR BIDS, AND AWARDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the solicitation of bids for and approve the award of contracts to the lowest responsive bidders, providing the lowest responsive bids do not exceed the engineer's estimate by more than 10% for the following projects:

- a) McDowell Road from the Pima Freeway to Alma School Road (MPFA),(MCDOT Project No. 68897) (C64031245)
- b) MC85 @ Agua Fria/Bridge Scour (MAFS) (Pier Cap Rehabilitation), McDOT Job No. 68933. Funds have been budgeted in the Department's Transportation Improvement Program for FY 2003. (C64031295)

APPOINTMENTS TO MARICOPA COUNTY PARITY PARTNERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint members to the Maricopa County Parity Partners (MCPPT) to serve a two-year term from time of Board of Supervisor appointment to October 31, 2004. Maricopa County Parity Partners, established by the Board of Supervisors in October 2000, is a partnership of business leaders of various associations and government agencies interested in increasing procurement and contracting opportunities through enhanced business relationships to end disparity and to increase the opportunities for Minority and Women-Owned Small Business Enterprise participation in a competitive environment. (C64031275) (ADM685)

Associated Minority Contractor of America
Arizona Hispanic Chamber of Commerce
Arizona Department of Commerce
Arizona Department of Transportation
American Indian Chamber of Commerce of Arizona
Asian Chamber of Commerce

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

City of Phoenix Equal Opportunity Department
Grand Canyon Minority Supplier Development Council
Governor's Office of Equal Opportunity State Capitol Building

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Intergovernmental Agreement between Maricopa County and the City of Peoria to do a Candidate Assessment Report (CAR) for 163rd Avenue and other arterials between Grand Avenue, State Route 74, 179th Avenue and El Mirage Road. The City will contribute \$20,000 towards the development of the CAR. Cost of the CAR is \$200,000, which is programmed in FY 2003 under Work Order No. 68884. (C64031252)

INTERGOVERNMENTAL AGREEMENT WITH SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Fran McCarroll, Clerk of the Board, announced that after legal review the following changes needed to be made before the Board considered this item, see below.

Item: Approve an intergovernmental agreement between the Maricopa County Department of Transportation and the Salt River Pima-Maricopa Indian Community. This agreement provides for the use of right-of-way on Gilbert Road on Tribal land, grants to the County a construction permit and TRANSFERS the County's interest in McDowell Road from Gilbert Road to Mesa Drive TO THE INDIAN COMMUNITY. The agreement allows the County ten years of granted use of right-of-way on Gilbert Road CURRENTLY valued at \$2.1 million. Subject to future board appropriations, the County agrees to pay for this right-of-way IN THE TENTH YEAR OF THIS AGREEMENT based on its appraised value as of ten years after the date of this agreement, in ten equal annual payments AT THAT TIME. (C64031352)

Supervisor Brock asked if the \$2.1 million on the agenda had been negotiated.

Tom Buick, Director of McDOT (Maricopa County Department of Transportation), said that figure is the identified, appraised value today for the right-of-way. Because the Indian Community authorized the use of the right-of-way for the next 10 years without charge, it was arranged with them that at the end of 10 years it will be reappraised and they will be reimbursed at that time. He indicated that in 10 years "it may not be the same 'footprint' that we now have associated with this low-flow crossing and potentially it could be less square footage and have a different composition for evaluation at that time." He said, "We have a general understanding that it will be the appraised value."

Supervisor Brock asked if it would be fair to say that this contract is "open ended."

Mr. Buick replied, "I wouldn't characterize it as open ended, it's not defined at this point other than the fact that today it's at \$2.1 million and we would expect that it would be a similar value, taking into account the changes in real estate between now and the tenth year."

Chairman Stapley clarified this by saying that this matter is one of many items that have been negotiated with the Indian Community that could be termed as problematic and this item was one of the last ones to be determined. He indicated that he'd had similar concerns of the value increasing to a point it might not be affordable in 10 years but McDOT believes it could be worth less money for a variety of reasons. He said that in 10 years, if necessary, the right-of-way could be abandoned.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Mr. Larry Landry, representing the Salt River-Pima-Maricopa Indian Community, said that they are prohibited by the Bureau of Indian Affairs (BIA) from donating their right-of-way and also that real estate actions taken by any Native American Community must be approved by the BIA. They are also required to have an appraisal done within six months of the transference of property. The subject land is in a river bottom and in the 100-year flood plain area.

Chairman Stapley indicated that everyone had been concerned on the fairness question and said he believes this is a fair document noting that they can't zone it as commercial since it is a river bottom. He believes it won't be possible to assess it any higher than the \$2.1 million, if that high, ten years from now.

Supervisor Kunasek asked what the Indian Community's contribution to this project was and said he didn't want to get into a situation similar to the "Pima Road" issue the County was embroiled in several years ago. Discussion ensued on the entire project - which had a total cost in the neighborhood of \$13 million. Mr. Buick said that since 1998 negotiations have been underway to develop a partnership with the Indian Community and a mutual respect has developed. This agenda item is a portion of the total project that engulfs a portion of McDowell road and then goes north to the Beeline Highway. Mr. Buick said they believe this agreement to be in the best interests of the County. In ten years the appraised payment will convey use of that right-of-way in perpetuity.

Supervisor Kunasek asked what kind of right-of-way was in place for the existing two-lane bridge over the river bottom. Mr. Buick replied that in most cases the rights-of-way now in place are on a perpetual-use lease arrangement and the County does not have fee title for any right-of-way on Indian land. The continual uses allowed by those rights-of-way are based on agreements established through arrangements similar to this one.

Chairman Stapley said that this would help eliminate the traffic bottleneck on Gilbert Road from the 202 going north to the Beeline Highway by widening the current two-lane road to four lanes.

Supervisor Kunasek asked the reasons for paying for it ten years from now instead of paying for it now. The answer was that the Indians had offered to do it this way and agreed to wait ten years for payment and secondly, if water ever runs in the Salt River in the next ten years and the bridge is washed out, replacement of a bridge located on Indian land would make it eligible for "federal replacement bridge funding, a 90-10 proportionate federal funding."

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this Intergovernmental Agreement, as amended above.

INTERGOVERNMENTAL AGREEMENT WITH CITY OF MESA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement with the City of Mesa for the acquisition of right-of-way along Val Vista Drive from Thomas Road to the South Canal. This agreement is intended to set forth the County's support of the roadway improvements and to authorize the City to acquire property within the County necessary for the safe and successful completion of the City's Val Vista Project. (C64031390)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems' Personnel Agenda. (List on file in the Clerk of the Board's Office.)

**FORMAL SESSION
December 18, 2002**

CONTRACT WITH CREATIVE NETWORKS

Item: Approve a new contract with Creative Networks for the provision of supportive home health services to Maricopa Long Term Care Plan (MLTCP), Maricopa Health Plan (MHP), Maricopa Senior Select Plan (MSSP), and Maricopa Health Select Plan (MHSP) members. This contract features a per member per month (PMPM) rate for MLTCP members and fee-for-service (FFS) rates for MHP, MSSP, and MHSP members. Establish a not-to-exceed amount of \$19,349,712 for the initial contract period of January 1, 2003, through December 31, 2004. This contract may be terminated upon 180-days written notice and may be extended not-to-exceed a total contract term of five years. This contract was procured in accordance with the Maricopa County Procurement Code. (C6003082)

Supervisor Brock said that OMB had sent a memo expressing concern on how this would impact the MIHS (Maricopa Integrated Health System) Turn Around Plan and asked for additional information on this.

Shawn Nau, Healthcare Mandates Director, said the concerns raised regarded the contract request and also the process in which it came before the Board. He explained that the memo was not a request to deny this item but was to alert the Supervisors to the fact that there were some concerns regarding it. He indicated that the concerns the Board should be aware of include the question of whether this department's request is in the best financial interest of the County because there is a controversial difference on the amount that would be saved, with \$40,000 being the lowest figure and \$750,000 being the highest. He said that since there would be a definite savings this matter may not warrant further consideration. However, regarding the process in presenting it to the Board, he said that apparently a number of other contracts were allowed to lapse under the assumption that this item would be approved. He explained that this gives the Board limited choice on approval or disapproval because of the resulting tight timeframe. OMB's recommendation is that the Board be given more time to consider the ramifications of replacing a number of contracts with one contract before approving it.

Supervisor Brock said that he evidently was not on the list to receive notice of financial dealings by the Hospital Board as he had thought. He said that he has gone to meetings to find they had been cancelled or changed. He asked Dave Smith if he felt he had received adequate communication on such things and had been able to assess these widely variant financial differences in savings.

Mr. Smith said that part of the MIHS (Maricopa Integrated Health System) performance plan is to submit timely data. He indicated that the budget numbers in that organization are constantly changing with regard to projections on revenue and expenditures. He said that it changes so rapidly it makes "knowing where you are relevant for only the last ten minutes." He felt it is important to continue to watch trend lines to make certain that something that "looks good for this month continues to look good for a second month and a third month – on both revenue and the expenditure sides." He said that anything that helps to reduce costs whether it is by \$40,000 or \$4 million will add to the positive dynamic and would be beneficial for MIHS given the complex mission under which they are performing. When asked for his recommendation Mr. Smith replied that, given what he knows, he would support it.

Supervisor Wilcox, who also serves as a member of the Hospital Board, said that the Board was aware of Supervisor Brock's omission in notification, and the Strategic Planning Chairman extended his apologies to him with the assurance that this wouldn't happen again. She said that a new member would be added to the finance committee and that committee plans to become very active. In the future, OMB will meet with the financial committee because of the fluidity of their budget and the items they must consider, many of which may seem to be in conflict until an explanation is given.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Pat Walz, Financial Officer at MIHS, explained that the difference in the amount earmarked as savings was basically because MIHS had used projected figures for future savings and OMB had analyzed it using current figures. He indicated that the amount spent this year with the new contract will be approximately the same amount that was indicated and there had been no intention to confuse the issue. He said that they have asked OMB to get involved earlier in their budgeting process so that the recommendation of having them as the Board's analytical arm will be achieved.

Martin Miller and Ron Cornelison, from Creative Network, were present to answer questions if needed but no questions were directed to them.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this contract with Creative Networks.

RESIGNATION OF FRANK WAEDEL

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the resignation of Frank Waelde from the Corrections Officer Retirement Plan Local Board, effective January 1, 2003. (ADM3332)

RESIGNATION OF ERIC LATTO

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the resignation of Eric Latta from the Merit Commission as representative from District 1, effective December 18, 2002. (ADM3315)

HEARING SET – CODE ENFORCEMENT REVIEW, JAY AND JOYCE ROSS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the permission for oral argument in the review of the Hearing Officer's Order of Judgement in zoning code violation case No. V2001-00004, Ray and Joyce Ross, and schedule a public hearing for 9:00 a.m., Wednesday, January 8, 2003. (ADM3417-16)

HEARING SET - ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a hearing for 9:00 a.m., Wednesday, January 22, 2003:

Road File A215-R: General vicinity of Stacey Road from 164th Street to Higley Road.
(C64031285) (F23060)

Road File A265: General vicinity of 20th Street from end of maintenance to Joy Ranch Road.
(C64031315) (F23103)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing on any Planning and Zoning and Building Code cases in the unincorporated

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

areas of Maricopa County for January 8, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2002-034; Z2002-051; Z2002-076; TA2002-001

INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (GNMA COLLATERALIZED – BETHANY PARK AND CASA DE PRIMAVERA APARTMENTS PROJECT)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued." (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (GNMA COLLATERALIZED – BETHANY PARK AND CASA DE PRIMAVERA APARTMENTS PROJECTS) IN ONE OR MORE TAX-EXEMPT AND/OR TAXABLE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT IN EXCESS OF \$12,000,000 (THE "BONDS").

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held October 25, 30, November 4, 6, 20, 23, and December 4, 2002.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From No.	To No.	Net Result
1999	7146	7161	-\$10,206.74
2000	9995	10019	-\$3,081.86
2000	10020	10068	-\$109,027.16
2001	34661	34735	-\$604,309.02
2001	34736	34743	-\$116,851.74
2002	6693	6763	-\$3,002.44
2002	6764	7232	\$40,673.70
2002	7233	7479	-\$1,892,475.56
2002	7480	7513	-\$267,864.10

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts listed below, and on file in the Office of the Clerk of the Board.

Aguila Volunteer Fire District (ADM4408)
Chandler Heights Citrus Irrigation District (ADM4314)
Madison Park IWDD No. 22 (ADM4358)
Ocotillo Water Conservation District (ADM4396)
San Tan Irrigation District (ADM4321)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen (ADM1823) (ADM3809)

COUNTY

Name	Warrant	Fund	Amount
Kevin Brown	AD00330516283	Expense	\$549.75
Larry R. Fuller	C027948	General	\$75.00
Barbara McCombs	32-0509061	Expense	\$549.34
Melissa M. Mejia	23024819	Payroll	\$854.11
Manuel R. Paredes	23500406	Payroll	\$125.00
United Parcel Service	330505868	Expense	\$517.94

SCHOOL

Name	School	Warrant	Amount
Derick R. Bell	Roosevelt	13-0068661	\$913.27
Robin L. Baggett	Mesa	73-0026217	\$177.66
Donald Browning	Alhambra	13-0064720	\$302.37
Mary Cummings	Madison	13-0064422	\$1,141.89
Kelly B. Hotz	Mesa	73-12270	\$257.39
Office Depot	Creighton	42-0111641	\$1,314.14
Time Travel	Tolleson	43-0028733	\$251.50

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Name	Amount
Sandra J. Butler	\$69.54
Desert Haven/Lynn Fischer	\$440.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Robert N. Fahndrich	\$200.98
Bill Johnson	\$162.61
Yvette Lagimodiere	\$3,933.84
Gayle E. Laureta	\$27.80
Basic Drilling Company	\$100.00
Kathie A. Sholly	2,137.78

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement of tax cases, list dated December 18, 2002. (ADM704)

2001
CV 00-022264
2001/2002
CV 00-022208
2002
ST 02-000043
TX 01-000580
TX 02-000272
CV 01-021824
2002/2003
TX 01-000376
TX 02-000268
2003
ST 02-000062
TX 02-000306

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Assessor's recommended changes of classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
103-11-020	2000	Jose Navarro	LC/4	LC/3
103-11-020	2001	Jose Navarro	LC/4	LC/3
103-11-020	2002	Jose Navarro	LC/4	LC/3
106-23-043C	2000	Josue Diaz Nunez	LC/4	LC/3
106-23-043C	2001	Josue Diaz Nunez	LC/4	LC/3
106-23-043C	2002	Josue Diaz Nunez	LC/4	LC/3
118-47-172A	2000	Norman Fuchs	LC/4	LC/3
118-47-172A	2001	Norman Fuchs	LC/4	LC/3
118-47-172A	2002	Norman Fuchs	LC/4	LC/3
124-65-025	2002	Tina Holland	LC/4	Mixed
130-40-157	2000	Betty Rehak	LC/4	LC/3
130-40-157	2001	Betty Rehak	LC/4	LC/3
130-40-157	2002	Betty Rehak	LC/4	LC/3
140-53-373	2000	Charles Ross	LC/4	LC/3
140-53-373	2002	Charles Ross	LC/4	LC/3

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

142-54-487	2000	Lupe Torres	LC/4	LC/3
142-54-487	2001	Lupe Torres	LC/4	LC/3
142-80-290	2000	Barbara Robinson	LC/4	LC/3
142-80-290	2001	Barbara Robinson	LC/4	LC/3
142-80-290	2002	Barbara Robinson	LC/4	LC/3
148-02-069	2000	Beverly J Smith	LC/4	LC/3
148-02-069	2001	Beverly J Smith	LC/4	LC/3
148-02-069	2002	Beverly J Smith	LC/4	LC/3
148-25-638	2000	Leon Hutchison	LC/4	LC/3
148-25-638	2001	Leon Hutchison	LC/4	LC/3
148-25-638	2002	Leon Hutchison	LC/4	LC/3
149-32-145	2000	Arden Boyer	LC/4	LC/3
149-32-145	2001	Arden Boyer	LC/4	LC/3
149-32-145	2002	Arden Boyer	LC/4	LC/3
153-02-085	2000	Sheila Fife	LC/4	LC/3
153-02-085	2001	Sheila Fife	LC/4	LC/3
153-02-085	2002	Sheila Fife	LC/4	LC/3
155-19-003	2000	Arnulfo Santa Maria	LC/4	LC/3
155-19-003	2001	Arnulfo Santa Maria	LC/4	LC/3
155-19-003	2002	Arnulfo Santa Maria	LC/4	LC/3
156-19-117	2000	Jean Slattery	LC/4	LC/3
156-19-117	2001	Jean Slattery	LC/4	LC/3
156-19-117	2002	Jean Slattery	LC/4	LC/3
159-33-111	2000	Milton Rentzis	LC/4	LC/3
159-33-111	2001	Milton Rentzis	LC/4	LC/3
159-33-111	2002	Milton Rentzis	LC/4	LC/3
161-30-130	2000	Mildred Anderson	LC/4	LC/3
161-30-130	2001	Mildred Anderson	LC/4	LC/3
161-30-130	2002	Mildred Anderson	LC/4	LC/3
162-06-028	2002	Annie Davison	LC/4	LC/3
163-01-203A	2000	Magaret Magri	LC/4	LC/3
163-01-203A	2001	Magaret Magri	LC/4	LC/3
163-01-203A	2002	Magaret Magri	LC/4	LC/3
164-69-169	2000	Rosalie Polakof	LC/4	LC/3
164-69-169	2001	Rosalie Polakof	LC/4	LC/3
164-69-169	2002	Rosalie Polakof	LC/4	LC/3
164-69-473	2000	Patrick Farrell	LC/4	LC/3
164-69-473	2001	Patrick Farrell	LC/4	LC/3
164-69-473	2002	Patrick Farrell	LC/4	LC/3
165-13-224	2000	Miller David B	LC/4	LC/3
165-13-224	2001	Miller David B	LC/4	LC/3
165-13-224	2002	Miller David B	LC/4	LC/3
164-69-168	2000	Sylvia La Mar	LC/4	LC/3
164-69-168	2001	Sylvia La Mar	LC/4	LC/3
164-69-168	2002	Sylvia La Mar	LC/4	LC/3
200-57-245	2000	Mary Brown	LC/4	LC/3
200-57-245	2001	Mary Brown	LC/4	LC/3
200-57-245	2002	Mary Brown	LC/4	LC/3
200-58-548	2000	Betty L Gordon	LC/4	LC/3
200-58-548	2001	Betty L Gordon	LC/4	LC/3

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

200-58-548 2002 Betty L Gordon LC/4 LC/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held December 2, 2002.) (ADM407)

Cristian Castaneda	\$ 1,723.66
Cirino Luis Cruz	1,800.00
Ramon Villareal Padilla	5,500.00
Edwin Ramos	4,500.00
Latonio Smith	1,000.00
Adam Soldinger	6,500.00

PUBLIC COMMENT

Anthony Abril, citizen, spoke on the Sonoran Preserve and the 25,888 square mile annexation by the City of Phoenix, linking his concern to the impact fees charged by Phoenix. He felt the County should be involved in the annexation of the Sonoran Preserve. He asked that South Phoenix be promoted for development along with other areas. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Wilcox noted that on December 11, 2002, Rose Terrace was dedicated. It is a housing development in Avondale where 78 public housing units were replaced with 40 quality four and five bedroom public housing units. There are 120 housing units total in the complex. The remaining 80 units rent on a sliding scale enabling families to pay what they can afford. She indicated that it is located in a beautiful setting near the Agua Fria and Gila Rivers. She said it took ten years of heavy negotiations between federal and local governments to accomplish this. She expressed the hope that many more such housing facilities will be developed because they are badly needed. (ADM606)

Supervisor Kunasek thanked Chairman Stapley for his leadership during the past year, which was made onerous by the increasing constraints of budget issues from the State to the County. He said it would have been very easy to lessen his commitment to some of the important things he'd wanted to accomplish in having to deal with the continuing budget crunches that have hit the County, and commended him for not losing his focus in what has proven to be a very successful year.

Supervisor Kunasek also congratulated his Alma Mater, Mountain View High School in Mesa, for again winning the State football championship.

Supervisor Brock joined in thanking the Chairman for his leadership during the past year and congratulated his handling of a number of difficult situations with skill and tact.

Chairman Stapley thanked them and said he also had to comment on the Mountain View Toros since his youngest son is a student at Mountain View and his family had been involved in the pep rallies for the past several weeks. He said the Toros had to "knock off my Alma Mater, Westwood, which was painful" but he said the Toros are "one heck of a football team with some very talented and disciplined players and are a tribute to their parents and coaches."

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Supervisor Wilson reported that it seemed like two or three lifetimes ago since his appointment as a Supervisor last February, and he had been in a "whole different world" since then. He thanked each Supervisor for the valuable help they gave to him during his transition.

MEETING RECESSED TO THE STADIUM DISTRICT'S ANNOUNCEMENT OF TURF DONATION

Chairman Stapley recessed the Formal Meeting at 10:55 a.m. for a special Stadium District meeting to be held outside in the adjacent plaza.

MEETING RECONVENED

The Formal Meeting reconvened at 11:05 a.m.

ADDENDUM

SETTLEMENT AGREEMENT

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize settlement of Davis v. Coughanour, et ux., v. Maricopa County, et al., CV 2001-006089 for \$200,000. (C1903030M) (ADM409)

WAIVER TO THE COMPENSATION PLAN

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation Plan, Section VII.A to allow a retroactive salary advancement for Sheriff's Detention Officer Anissa Dreas of \$.67 per hour from April 29, 2002, (\$13.08 to \$13.75.). The retroactive pay, including benefits, will come from budgeted funds and will not exceed \$1,000. (C5003047M) (ADM3308)

CITIZENS' TASK FORCE ON COUNTY HEALTH CARE SYSTEM

Item: Approve the creation of a Citizens' Task Force on the County Health Care System to review and make recommendations to the Board of Supervisors on the following within 60 days: (ADM2112)

- 1) The scope of services that can be provided by the system, given the limited resources that will be available to it;
- 2) The governance of the health care system;
- 3) Possible integration of the public health system;
- 4) The long-term funding of the health care system's operations and capital; and
- 5) Any other recommendations regarding the County Health Care System.

The Task Force is an advisory committee to the Board of Supervisors and is subject to Arizona's open meeting law. Each appointee will serve at the pleasure of the appointing authority, and have the term of a period of one year from date of appointment, however, they may be reappointed for additional terms. The Task Force will consist of ten members, as follows:

- 1) One voting member appointed by the current Chairman of the Board of Supervisors, to serve as Chairman of the Citizens' Task Force
- 2) Five voting members, one each appointed by each member of the Board of Supervisors who are neither members of the Hospital and Health Systems Board or the Board of Health nor employees of the County

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

- 3) Two voting members appointed by the Board of Supervisors from the Maricopa County Hospital and Health Systems Board
- 4) One voting member appointed by the Board of Supervisors from the Maricopa County Board of Health
- 5) One non-voting member appointed by the Board of Supervisors representing the Medical Professional Associates of Arizona.

Also, direct each Supervisor to submit their appointment to the Citizens' Task Force by Friday, December 20, 2002, to the Clerk of the Board of Supervisors. (C49030226)

Supervisor Wilcox said that staffing this Task Force will be extremely important and that due to some perceived conflicts, MedPro; Mark Hillard, MIHS Director; Dr. Weisbuch, Public Health Director; and Tom Manos, Chief Financial Officer, are not designated voting members. She said she hoped that, even as non-voting members, they will be official participants and will attend the meetings. She asked that the Hospital Board's Strategic Planning Committee be notified and be active participants in this process in addition to other Board members not designated to the Task Force.

Chairman Stapley explained that members that are not voting members may attend as staff members to support the process and make sure any information is available, as needed. He said that MedPro is a member of the Task Force in the non-voting capacity, since they are employed by the County.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the creation of a Citizens' Task Force on the County Health Care System.

LEASE AGREEMENT WITH TOWN OF GILBERT

Fran McCarroll, Clerk of the Board, announced the following changes at the beginning of the meeting.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize staff to negotiate a full service lease agreement with the Town of Gilbert for a Justice Court Facility at the new Gilbert Safety Public Complex located at the southeast corner of Gilbert Road and East Civic Center Drive, in Gilbert. The proposed lease term commences on July 1, 2003, or upon date of possession of the premises by Maricopa County, and expires 36-months from commencement date. The proposed Lease will provide two one-year renewal options after the initial term. ~~The proposed lease rate is \$17.30/square foot/year, with the intent of not leasing more than 12,500 square feet. Annual cost will depend on the total area agreed upon and occupied by the courts. Janitorial service at \$0.53/square foot/year, is optional.~~ THE LEASE RATE AND AMOUNT OF SPACE TO BE LEASED WILL BE NEGOTIATED BETWEEN THE PARTIES. (C18030120)

MARKET SALARY INCREASES FOR CORRECTIONAL HEALTH SERVICES POSITIONS

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve critical market salary increases for staff pharmacist positions in Correctional Health Services, retroactive to September 30, 2002. Also, approve an expenditure appropriation adjustment from Detention Fund Contingency: Detention Fund Operating (255-472-4712-812) to Correctional Health's FY 2002-2003 budget in the amount of \$48,703 (Annualized impact of \$66,646). (Two pharmacists from \$31.21 to \$41.00 per hour; and one pharmacist from \$31.60 to \$41.00 per hour.) (C26030080) (ADM3321)

LEASE WITH VINEYARD/KIOWA

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute new full service Lease No. L7330 with Vineyard/Kiowa, LLC, and Arizona Limited Liability Company, by Presson Corp., An Arizona Corporation, Lessor, for 18,508 square feet administrative office space for the Head Start program located at Fiesta Centre, 2150-1 South Country Club Road, Mesa, AZ. The lease term is for five years commencing May 1, 2003, and terminating on April 30, 2008. The first six months of the lease term will be at no charge to the County. Remaining annual rental cost as follows. All of the tenant improvements will be made by the Lessor at no cost to the County. This agreement contains a 180-day termination clause. (C22031104)

- Year 1: \$134,182.00 plus rental tax,
- Year 2: \$268,366.00 plus rental tax,
- Year 3: \$268,366.00 plus rental tax,
- Year 4: \$286,874.00 plus rental tax,
- Year 5: \$286,874.00 plus rental tax.

LEASE WITH GILBERT TOWN CENTER ASSOCIATES

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute new limited service Lease No. L7329 with Gilbert Town Center Associates, L.P., Lessor for a 14,700 square foot Maricopa Workforce Connection Career Development Training Center at 735 North Gilbert Road, Suite 134, Gilbert, AZ. The lease term shall be for seven years commencing on May 1, 2003, and terminate on April 30, 2010. County agrees to pay all NNN charges, which are currently estimated to be \$3.80 per square foot annually or \$4,655.00 monthly. This agreement contains a 180-day termination clause. Annual rental cost as follows. (C22031114)

- Year 1: \$15,680.00 monthly @ \$9.00 a sq. ft.,
- Year 2: \$15,331.25 monthly @ \$9.25 a sq ft,
- Year 3: \$16,292.50 monthly @ \$9.50 a sq ft,
- Year 4: \$16,598.75 monthly @ \$9.75 a sq ft,
- Year 5: \$16,905.00 monthly @ \$10.00 a sq ft,
- Year 6: \$17,211.25 monthly @ \$10.25 a sq ft,
- Year 7: \$17,517.50 @ \$10.50 a sq ft.

APPOINTMENTS TO THE PARKS AND RECREATION BOARD

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to appointment of the following individuals to the Parks and Recreation Board. The terms of appointment will be for two years from January 1, 2003 to December 31, 2004. (C01030067)

- Jack Stapley, Chairman of the Board of Supervisors appointment
- Laurel Arndt, District 1 appointment
- Marcus Dell'artino, District 2 appointment
- Anne Lynch, District 3 appointment
- Celeste Hamilton, District 4 appointment
- Raul Chayvez, District 5 appointment

PLANNING AND ZONING

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2002-063 District 3**
 Applicant: Stanley Consultants, Inc. for Anthem Arizona, LLC
 Location: East side of Daisy Mountain Drive, south of Anthem Way (in the Anthem area)
 Request: Final Plat in the R-2 R.U.P.D. zoning district for Anthem Unit 33 (approximately 48.67 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final plat.

2. **Z2002-025 District 1**
 Applicant: U-Haul International for Republic Western Insurance Co.
 Location: Approx. 195' north of Riggs Rd. and 280' west of Arizona Ave. (in the Sun Lakes area)
 Request: Rezone from C-2 to C-3 P.D. with a Plan of Development for R.V. storage for U-Haul Center R.V. Storage (1.5 acres)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2002-025, subject to the following stipulations "a" through "g". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Site Plan, U-Haul R.V. Parking Expansion, Arizona Avenue and Riggs Road", consisting of one full-size sheet prepared by Huitt-Zollars, dated July 12, 2002 and stamped received October 9, 2002, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Narrative Report, U-Haul Addition of R.V. Parking at Arizona Avenue and Riggs Road" consisting of three pages and stamped received October 9, 2002, except as modified by the following stipulations.
- c. Prior to zoning clearance or the issuance of building permits, the applicant shall combine the subject parcel with the parcel to the north (U-Haul self-storage and equipment rental) to create one parcel for the entire commercial operation.
- d. A drainage clearance shall be obtained prior to the issuance of building permits.
- e. The driveway and circulation area around parking spaces shall meet E.P.A. requirements for dust control.
- f. Major changes to this Precise Plan (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

- g. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this rezoning request subject to stipulations "a" through "g."

- 3. Z2002-079 District 2**
Applicant: Rio Verde Services, Inc.
Location: South and east of the southeast corner of Tonto Verde Dr. and Forest Rd., at the southwest corner of Bar Box Tr. and Verde Dr. (in the Rio Verde area)
Request: Rezone from R-3 R.U.P.D. to R1-10 R.U.P.D. for Tonto Verde Unit 10 (10.42 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2002-079, subject to the following stipulations "a" through "h". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Tonto Verde Unit Ten, A Preliminary Plat in the R1-10 R.U.P.D. Zoning District", consisting of three full-size sheets, dated revised June 28, 2002, date stamped by the engineer October 21, 2002 and stamped received October 23, 2002, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report, Tonto Verde Unit 10, Request for Change in Zoning, From R-3 R.U.P.D. to R1-10 R.U.P.D.", consisting of four pages, dated revised October 21 2002, and stamped received October 23, 2002, except as modified by the following stipulations.
- c. All interior streets within the proposed development are to be constructed to minimum County standards.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- f. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- g. Major changes to the R.U.P.D. plan shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

Commission. Minor changes may be administratively approved by the Planning and Development Department.

- h. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action to reconsider this zoning approval.

David S. Ritchie was present to record his support for this matter but did not wish to speak.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this rezoning request subject to stipulations "a" through "h."

- 4. **Z2002-080 District 3**
Applicant: Evergreen Devco, Inc. for Anthem Arizona, L.L.C.
Location: Southeast corner of Anthem Way and Daisy Mountain Dr. (in the Anthem area)
Request: Plan of Development for retail shops in the C-2 C.U.P.D. zoning district for Anthem Village Center (8.9 acres)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-080, subject to the following stipulations "a" through "j". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in conformance with the zoning exhibit consisting of seven (7) full-size sheets – including a site plan, two pages of elevations, landscape plan, photometric, conceptual grading plan and conceptual utility plan – with the cover sheet entitled "Precise Site Plan, Anthem Village Center, for Evergreen Devco". prepared by Ellerman Schick Architecture and Planning, et al, with the cover page dated revised October 3, 2002 and stamped received November 12, 2002, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Anthem Village Center, Narrative Supporting Commercial Unit Plan of Development" prepared by Evergreen Devco, Inc., consisting of six (6) pages, dated August 27, 2002 and stamped received October 9, 2002, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the sign criteria entitled "Anthem Village Center, Sign Criteria" prepared by Ellerman Schick Architecture and Planning, consisting of seven (7) pages, dated August 23, 2002 and stamped received October 9, 2002, except as modified by the following stipulations. All monument signs must remain clear of the clear-sight visibility triangles as outlined in the Maricopa County Zoning Ordinance. All wall-mounted signs must observe the requirements of the C-2 zoning district as outlined in the Maricopa County Zoning Ordinance.
- d. Prior to construction, a drainage clearance will be required. Final grading and drainage plans and a final drainage report will need to be reviewed and approved by the Flood Control District.
- e. Any landscaping in County right-of-way will require a permit from the Maricopa County Department of Transportation.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

- f. A subdivision plat, per Maricopa County Subdivision Regulations, shall be required if the subject property is split into more than three parcels.
- g. All outdoor lighting fixtures must comply with Section 1112 of the Maricopa County Zoning Ordinance.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility-related ground equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- i. Major changes to this site plan will require review and approval by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department, Project Management Division may administratively approve minor changes.
- j. A C.U.P.D. overlay is applied to the site that allows relief from the screen wall requirements adjacent to residential zoning districts.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this development plan subject to stipulations "a" through "j."

- 5. Z2002-100 District 3**
Applicant: Earl, Curley & Lagarde, P.C. for Anthem Arizona L.L.C.
Location: Approx. 0.50 mi. east of Daisy Mountain Dr., south of Anthem Way (in the Anthem area)
Request: Rezone from R1-10 R.U.P.D. to R1-6 R.U.P.D. for Anthem Parkside Units 43, 45, 47, 49 & 51 (290.13 acres)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-100, subject to the following stipulations "a" through "c". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in conformance with the zoning exhibit consisting of one sheet entitled "Anthem by Del Webb Exhibit to Accompany Legal Description" prepared by Stanley Consultants, Inc. dated August 15, 2002, date-stamped by the engineer August 14, 2002 and stamped received August 21, 2002, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative packet entitled "Parkside II Amendment – Parcel 18 @ Meridian and Anthem Way/Del Webb/Anthem 2002", prepared by Earl, Curley and Lagarde, P.C. consisting of Ten (10) pages (including project description, zoning maps and legal description), dated August 19, 2002 and stamped received August 21, 2002, except as modified by the following stipulations.
- c. Stipulations of Z2000-098 (Anthem Plan of Development) shall remain in effect, as may be applicable.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this rezoning request subject to stipulations "a" through "c."

**FORMAL SESSION
December 18, 2002**

REGULAR AGENDA DETAIL:

6. DMP2002-004 District 1

Applicant: B&R Engineering for Sun Lakes Marketing Ltd. Partnership

Location: West of the northwest corner of E.J. Robson Blvd. and Riggs Rd. (in the Sun Lakes area)

Request: Major Amendment to the Sun Lakes Development Master Plan (D.M.P.) to change the land use designation of Sun Lakes Unit 46 from Residential/High to Urban Residential/Medium (11.6 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of DMP2002-004, subject to the following stipulations "a" through "c". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development shall comply with the Development Master Plan document entitled "2002 Amendment Sun Lakes Development Master Plan", prepared by B&R Engineering, dated June 2002 and stamped received October 23, 2002. A new Development Master Plan eliminating the 2.4 acre commercial site from the Development Master Plan request shall be submitted within 30-days of Board of Supervisors approval.
- b. Major changes to the Sun Lakes Development Master Plan with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Maricopa County Planning and Development Department may administratively approve minor changes to the Sun Lakes Development Master Plan.
- c. All other stipulations that remain applicable to the Sun Lakes Development Master Plans, as set forth in prior approvals, shall remain in effect.

Joy Rich, Director of Planning and Development, outlined the Commission action on this item and on item 7, Z2002-077, which are being considered together, but voted separately.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Committee recommendation for approval subject to stipulations "a" through "c."

7. Z2002-077 District 1

Applicant: B&R Engineering for Sun Lakes Marketing Ltd. Partnership

Location: Approx. 571' west of the northwest corner of E.J. Robson Blvd. and Riggs Rd. (in the Sun Lakes area)

Request: Rezone from R-5 to R-3 R.U.P.D. for Sun Lakes Unit 46 (11.6 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2002-077, subject to the following stipulations "a" through "h". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the zoning exhibit entitled "A Preliminary Plat and Residential Unit Plan of Development (R.U.P.D.), Sun Lakes Unit 46", consisting of three full-size sheets, dated revised June 2002, dated stamped by the engineer August

**FORMAL SESSION
December 18, 2002**

28, 2002, and stamped received October 23, 2002, except as modified by the following stipulations.

- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report for Sun Lakes Unit 46 (Zone Change and R.U.P.D. Overlay", consisting of 58 pages, dated revised August 2002, and stamped received October 23, 2002, except as modified by the following stipulations.
- c. All interior streets within the proposed development are to be constructed to minimum County standards.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- f. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- g. Major changes to the R.U.P.D. plan shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- h. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action to reconsider this zoning approval.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Committee recommendation for approval subject to stipulations "a" through "h."

- 8. Z 97-009 District 5 - CONTINUED**
Applicant: Greg Loper for Spencer Shumway
Location: The northwest and the northeast corners of 43rd Ave. and Broadway Rd. (in the Laveen area)
Request: Rezone from Rural-43 to IND-3 I.U.P.D. with a Plan of Development for industrial storage for Shumway (40 acres)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z 97-009, subject to the following stipulations "a" through "m". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in conformance with the site plan consisting of six 11" x 17" sheets entitled "Shumway Industrial Storage – Zoning Exhibit/Plan of Development" prepared by Greg Loper, AICP, dated October 15, 2002 and stamped received October 15, 2002, except as modified by the following stipulations.

**FORMAL SESSION
December 18, 2002**

- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report for the Shumway Industrial Storage... Z-97-9" preparer not indicated, consisting of nine (9) pages, dated revised October 15, 2002 and stamped received October 15, 2002, except as modified by the following stipulations.
- c. Prior to development of any new construction or placement of any new structures, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
- d. Access on Weir Avenue shall be for emergency use only, with truck traffic prohibited except for emergency vehicles.
- e. Driveways shall be asphalt concrete or better within the County right-of-way and designed to accommodate the appropriate design vehicle.
- f. The applicant shall provide a six-foot (6') tall C.M.U. wall along the frontage of Broadway Road and Weir Avenue. The applicant shall further install landscaping along the road frontages to soften the appearance of said walls. Landscaping shall be of an xeriphytic nature with an emphasis on indigenous and near-native plant species. Any landscaping within County right-of-way will require a permit from the Maricopa County Department of Transportation, and must comply with Chapter 9 of the MCDOT Roadway Design Manual. The applicant shall also provide landscaping along the northern property line to provide a semi-opaque screen for the industrial uses from the Salt River at the time recreational/open space development occurs within the river.
- g. Sewer service shall be extended to all structures needing such service existing or proposed) upon approval of a Precise Plan of Development for any structure(s). Existing septic systems shall be eliminated at that time.
- h. All outdoor lighting fixtures must comply with Section 1112 of the Maricopa County Zoning Ordinance.
- i. All industrial storage shall observe a minimum 10' setback from the property lines, public rights-of-way, and on-site building/structures. Further, no storage materials shall be stacked higher than 10', and any such material shall be adequately screened from the Salt River, Broadway Rd. and Weir Ave. as indicated in stipulation 'f' above.
- j. Major changes to this site plan will require review and approval by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department, Project Management Division may administratively approve minor changes.
- k. As per the narrative report referenced in stipulation 'b' above, the following uses/materials are prohibited from the site:
 - i. Any use which by its nature or operation shall cause to occur noise, dust, traffic, glare, and/or vibrations which may be deemed a nuisance or harmful;
 - ii. Any use not considered to be in keeping with the intent and character of the proposed use, as an outdoor (open) storage of items and materials;
 - iii. Cemetery or Crematories;

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

- iv. Commercial dairy or feed lot operations;
 - v. Kilns or similar operations;
 - vi. Landfill or waste dump;
 - vii. Manufacturing, treatment, refining, rendering or compounding of pharmaceuticals, fats, gases or oils;
 - viii. Mulching or contaminated soil recovery/processing;
 - ix. Packing houses for meats, fruits or vegetables;
 - x. Refinery;
 - xi. Sand and gravel extraction operations; and the.
 - xii. Storage of any materials that are deemed to be harmful to the environment and/or adjacent properties, including the storage of flammable liquids, noxious or hazardous materials.
- I. All free-standing signs are limited to a maximum height of six-feet (6') and a maximum sign face area of 48 square feet.
- m. Any change (major amendment) to the Plan of Development must be presented to the Laveen Village Planning Committee for review and comment prior to presentation to the Planning and Zoning Commission at a public hearing.

At the request of Joy Rich, Director of Planning and Development, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the second meeting in January (January 22, 2003)

- 9. Z2002-030 District 3**
Applicant: Phoenix Design Group for Daisy Mountain Fire District
Location: Daisy Mountain Fire District Station # 141 at 43814 N. New River Rd. – on the west side of New River Rd., south of Circle Mountain Rd. (in the New River area)
Request: Special Use Permit (S.U.P.) for a wireless communication facility in the Rural-43 zoning district, Cellular Use District 1 for Daisy Mountain Fire District, 800 MHZ Radio Tower

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-030, subject to the following stipulations “a” through “m”. Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled “ASTRO25 MULTIZONE SYSTEM 800 MHZ RADIO PROJECT, DAISY MOUNTAIN FIRESTATION #141”, consisting of three (3) full-size sheets prepared by Phoenix Design Group, dated revised September 10, 2002, and stamped received September 12, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “Narrative Report”, consisting of three (3) pages, undated but stamped received March 20, 2002, except as modified by the following stipulations.
- c. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements related to the radio tower, shall be removed within 60 days of such termination or expiration.

- d. A status report shall be submitted by the applicant to the Planning and Development Department 20 years from the date of Special Use Permit approval by the Board of Supervisors. The purpose of the report is to ensure compliance with all stipulations and record retention.
- e. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- f. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Planning and Development Department for all structures approved under this Special Use Permit.
- g. Prior to zoning clearance, the applicant shall provide the following items to the Flood Control District:
 - i. A temporary benchmark on site for referenced elevations.
 - ii. An engineer's certification stating that the new building will be free from inundation during the 100-year peak runoff event when developed in accordance with the approved plans.
- h. The tower and all tower-mounted equipment shall be painted a neutral, non-reflective, gray or brown color, or be of a galvanized finished, which has been rendered non-reflective. All ground-mounted equipment visible above the enclosure wall shall be painted a neutral color to match the surrounding desert and the wall.
- i. Major changes to this Special Use Permit (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Special Use Permit
- j. may be administratively approved by the staff of the Planning and Development Department. For purposes of this Special Use Permit, additional equipment shall be considered a Minor Amendment and may be approved as a Slight Refinement to the Special Use Permit.
- k. No new towers (wireless communications) will be allowed on this property.
- l. A standby/backup generator shall be provided including an enhanced muffler that meets all requirements of the Maricopa County Environmental Services Department. This generator shall meet all applicable building code requirements and a building permit shall be obtained.
- m. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Joy Rich, Director of Planning and Development, outlined the Commission action on this item. She explained that the Fire District is zoning exempt, however, this service is not mandated as a service that is provided by the District and so it requires a Special Use Permit. She indicated that the District would enter into an IGA (Intergovernmental Agreement) with the City of Phoenix to provide for this facility. Ms. Rich said there was no opposition to this request at the Planning Commission meeting. She indicated that changes needed to be made to Stipulation "i" and recommended the following:

- i. Major changes to this Special Use Permit (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Special Use Permit may be administratively approved by the staff of the Planning and Development Department. For purposes of this Special Use Permit, additional PUBLIC SERVICE RADIO equipment shall be considered a Minor Amendment and may be approved as a Slight Refinement to the Special Use Permit. IN NO CASE SHALL ANY COMMERCIAL CELLULAR OR WIRELESS COMMUNICATION FACILITIES BE ALLOWED ON THE FIRE STATION PROPERTY, INCLUDING THIS TOWER, WITHOUT A MAJOR AMENDMENT TO THIS SPECIAL USE PERMIT.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval, subject to stipulations "a" through "m" including the amended language to stipulation "i" as outlined above.

- 10. Z2002-091 District 1**
Applicant: David Evans & Assoc. for Stanley & Nancy Chen
Location: Southeast corner of Chandler Heights Rd. and Lindsay Rd. (in the south Chandler area)
Request: Modification of a Stipulation for a previously approved rezoning from Rural-43 to R1-10 - stipulation "q" of Z2000031 pertaining to reversion of zoning to Rural-43 if no development has occurred within three (3) years of rezone approval - for Whispering Heights (70 acres)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2002-091, subject to the following stipulations "a" through "r". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "Preliminary Plat and Site Development Plan-Whispering Heights", consisting of one (1) full-size sheet, dated revised August 31, 2000, and stamped received September 4, 2000, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Whispering Heights", consisting of 20 pages and 10 exhibits, dated revised August 31, 2000, and stamped received September 4, 2000, except as modified by the following stipulations.
- c. As depicted on the conceptual site plan, the zoning category for the entire site shall be R1-10, revised from the applicant's original Z2000031 request of R1-7 RUPD.

**FORMAL SESSION
December 18, 2002**

Development of the site shall include a row of lots meeting the R1-35 zoning standards, including an agrarian theme, along the south property line, a row of lots meeting the R1-18 zoning standards directly north of the R1-35 lots and the remaining lots shall meet R1-10 zoning standards. A Residential Unit Plan of Development (RUPD) is not associated with this request.

- d. A 30' wide drainage and landscape easement shall be located along the south property line. No structures, except for walls and fences approved by Flood Control District of Maricopa County, shall be placed within this easement.
- e. The total number of lots shall be limited to 140.
- f. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for Chandler Heights Road and 55' for Lindsay Road shall occur with the final plat.
- g. Prior to or concurrent with the submittal of a final plat for any portion or phase of this development, a final landscape plan shall be submitted which is generally consistent with the preliminary landscape plan.
- h. All interior streets within the proposed development are to be constructed to minimum County standards.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- k. The applicant shall survey the subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment prior to final plat approval for any portion or phase of the development.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- m. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- n. Prior to or concurrent with the submittal of a final plat for any portion or phase of this development, a revised traffic impact analysis must be provided.
- o. Major changes to the plan shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- p. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 18, 2002**

conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

- q. The approved zoning shall revert to Rural-43 zoning after two years from the date of approval by the Board of Supervisors if a final plat has not been approved for this site.
- r. A signed and recorded pre-annexation agreement and/or utility service agreement with the City of Chandler shall be required prior to final plat approval.

Joy Rich, Director of Planning and Development, outlined the Planning Commission action on this item. She indicated that stipulation "q" needs modification stemming from confusion on the question of the timing of any necessary reversion of the zoning to Rural-43. She recommended the following amended version of stipulation "q."

- q. The approved zoning shall revert to Rural-43 zoning ~~after two years from the date of approval by the Board of Supervisors~~ ON DECEMBER 18, 2005 if a final plat has not been approved for this site.

David Udall, representing the applicant, said that they are agreeable to the modification of stipulation "q" as recommended. He said that an agreement had been reached with the neighbors to the south of the project and he would like that inserted into the record.

Supervisor Brock expressed his gratitude to Scott and Julie Harrell who have worked for this and waited patiently for it to culminate. He asked Mr. Udall how long it would be until the City of Chandler reaches this site.

Mr. Udall said they could be as close as a year to a year and a half in terms of inclusion into the city.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "r" and with amended language to stipulation "q."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board